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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,016	11/25/2003	Astrid Elbe	S0193.0009	7527
32172	7590	08/24/2007	EXAMINER	
DICKSTEIN SHAPIRO LLP			LEE, THOMAS C	
1177 AVENUE OF THE AMERICAS (6TH AVENUE)			ART UNIT	PAPER NUMBER
NEW YORK, NY 10036-2714			2115	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

9

Office Action Summary	Application No.	Applicant(s)	
	10/724,016	ELBE ET AL.	
	Examiner	Art Unit	
	Thomas Lee	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 June 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 - 6 and 8 – 28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 - 6 and 8, 10 – 21, and 23 – 28 is/are rejected.

7) Claim(s) 9 and 22 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

Claims 1 - 6 and 8 – 28 are presented for examination.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 6, 8, 10 – 21, and 23 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicol et al, US Patent No. 6,141,762 and Perry et al, US Patent No. 5,142,684.

Nicol et al teach the invention comprising:

a controller [IC] having:

a plurality of peripheral devices [PE 101 ... 104];

a central processing unit [PE 100]. [see fig. 2]

Nicol et al teach a controller having a CPU [100] for controlling the plurality of peripheral devices [101 ... 104] depending upon the processor task [collection of tasks], the associated tasks [each individual task within the collection of tasks], and other parameters [required completion time] [col. 3, line 66 – col. 4, line 10].

Nicol et al teach the usage of some parameters [required completion time] as one of the parameters to control the plurality of peripheral devices. Nicol et al do not use the available energy as a parameter.

Perry et al teach another system for controlling a peripheral device [high performance microprocessor 20] based upon some parameters. Specifically, Perry et al use available energy as one of the control parameters. Based upon result of the energy determination means [low power detector 22] and the associated task [important foreground task], the CPU [low performance microprocessor 10] controls the peripheral device accordingly. When the battery is below a

critical level, microprocessor 20 will not be activated. When the battery is above the critical level, microprocessor 20 is activated at a low speed. When the battery has enough power, microprocessor 20 is activated at high speed [col. 5, line 38 – col. 6, line 26].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Nicol et al and Perry et al because they teach the controlling of the peripheral device by the CPU based upon some parameters. Perry et al explicitly teaches that energy is one of the available parameters thereby enabling Nicol et al system to operate efficiently in a battery functioning environment.

Claims 9 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments, filed 6/27/2007 with respect to the rejection(s) of claim(s) 1 - 6 and 8, 10 – 21, and 23 – 28 under Bouston et al and Bertin et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nicol et al and Perry et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Lee whose telephone number is (571)272-3667

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Lee

Primary examiner